

would be 87,000, far lower than the 100,000-plus refugees admitted annually from 1989 to 1995.

The senators' letter has ignited a debate among administration aides, who must soon decide on the number of refugees to admit in 1998. They need look no further than the administration's own reports on religious persecution in the former Soviet Union. These reports document that:

Legislation passed last week by the lower house of Russia's parliament would require the registration of new religious groups, and would require these groups to wait up to 15 years to obtain full legal status. During this period, these groups would be barred from importing or distributing religious materials, and it would be difficult for them to own property or have bank accounts. This bill does not apply to Orthodoxy, Islam, Judaism or Buddhism; instead, it would affect faiths newer to Russia, especially evangelical Christians. President Yeltsin vetoed the bill once but now seems prepared to sign it.

About one fourth of Russia's regional governments have laws restricting religious activity.

Russian authorities have made Christian missionary work difficult or impossible in some regions, and they have made recovery of property difficult for non-Orthodox faiths, including the Catholic church.

As a result, Pentecostals and other evangelical Christians now account for about half the refugees from the former Soviet Union.

The State Department argues against any increase in refugee admissions. In spite of conditions in the former Soviet Union, it claims that interest in the U.S. refugee program is declining, even though 6,000 more were admitted this year than it proposes to admit next year.

But even if less than 30,000 admissions slots for the former Soviet Union are needed in 1998, the increase in overall admissions would give the administration greater flexibility to address other crises. This year, the administration exceeded its planned admissions from the former Yugoslavia by 25 percent. If the implementation of the Dayton accords continues to prove difficult, the need to resettle refugees from this region will grow. And, following the historical pattern in other refugee crises, American action to resettle refugees from the former Yugoslavia will cause European and other countries to accept greater numbers of these refugees for resettlement.

Last year, the House and Senate defeated legislative attempts to slash refugee admissions. The senators' action is one more demonstration of the bipartisan consensus supporting American action to help refugees fleeing oppression. President Clinton should view their proposal as an opportunity to help victims of religious oppression, and to revitalize American humanitarian leadership around the globe.●

ENERGY AND WATER APPROPRIATIONS CONFERENCE REPORT

● Mr. GORTON. Mr. President, in the Energy and Water Appropriations Conference Report, which this body may consider as early as tomorrow, is a provision that encourages the Corps of Engineers to make a decision on permits for a 50-foot dock extension at the Port of Seattle.

Over the past several years the Port of Seattle, Muckleshoot Indian Tribe, and Corps of Engineers have been involved in a debate over the replace-

ment of a 350-foot wood dock with a 400-foot concrete dock at the Port of Seattle. In an effort to move this process forward and break the deadlock between the parties, I included report language in the Energy and Water Appropriations Conference Report asking the Corps of Engineers promptly to consider the permit issue.

Due to the continued cooperation and hard work of the Muckleshoot Indian Tribe and Port of Seattle, an agreement was reached this past Friday evening over the dock extension. I would like to praise the judgment and cooperation of the Port of Seattle and the Muckleshoot Indian Tribe both. Their willingness to work together has not only averted a protracted conflict but also provide a positive example for other local governments and tribal governments in reaching agreements under similar circumstances.

As a result of this agreement, the language which I included in the Energy and Water Appropriation Conference Report is redundant and no longer necessary. I have discussed this point with Congressman NORM DICKS in the House and would like the official record to show that both the House and Senate agree that this language is effectively voided by the agreement. Furthermore, I would like to request that the final version of the Energy and Water Conference Report that will be considered by the Senate not contain this language. In any event, that language should be treated as having no effect.●

JUDICIAL NOMINEES

Mr. HATCH. Mr. President, I rise this evening to say a few words in response to President Clinton's radio address over the weekend about the pace of the Senate's consideration of judicial nominees. In that address, the President chided Members of this body for what he described as "a vacancy crisis" in our Federal courts ostensibly resulting from politically motivated scrutiny of his nominees.

I will respond for a moment to the myths and distortions that the Clinton administration has engaged in; specifically the myth that there is a vacancy crisis in the Federal judiciary and the myth that there is a Republican slowdown of judicial confirmations.

There is no vacancy crisis. So far this year, the Senate has confirmed 18 of President Clinton's judges. This brings the total number of Clinton nominees on the Federal bench to 222—that is nearly 30 percent of the active Federal judiciary. There are more sitting Federal judges today than there were through virtually all of the Reagan and Bush administrations. As of September 26, 1997, just 3 days ago, there were 750 active Federal judges. Now, this figure excludes the approximately 79 senior status judges who continue to preside over and hear cases.

Yet at this point in the 101st Congress when George Bush was President

and in the 102d Congress when George Bush was President, by contrast, when President Bush's nominees were being processed by a Democrat-controlled Senate, there were only 711 and 716 active judges, respectively. We have 750 as we stand here today.

Keep in mind that the Clinton administration is on record as stating that 63 vacancies—a vacancy rate just over 7 percent—is considered virtual full employment of the Federal judiciary, and they were right. Ninety-four vacancies, the current vacancy rate, is a vacancy rate of about 11 percent. So ask yourselves this question, how can a 4-percent rise in the vacancy rate from 7 percent to 11 percent convert full employment into a crisis?

Moreover, let's compare today's vacancy level, 94, with those that existed during the early 1990's when George Bush was President and the Democrats controlled the Senate. In May 1997 there were 148 Federal judicial vacancies, and in May 1992 there were 117 Federal judicial vacancies. I remember those years. I don't recall one comment about it in the media. I don't recall one television show mentioning it. I don't recall one writer writing about it. Nobody seemed to care. But all of a sudden it has become a crisis today with less vacancies at this time than the Democrat-controlled Senate and Judiciary Committee at that time had.

I should also note that at the end of the Bush administration, there were 115 vacancies compared to the 65 at the end of the last Presidential election; 115 vacancies, for which 55 nominees were pending before the Judiciary Committee. None of these 55 nominees even received the courtesy of a hearing.

I have heard all the yelling and screaming here on the floor and in the public media today and by the President on Saturday. In short, I think it is unfair and frankly inaccurate to report that the Republican Congress has created a vacancy crisis in our courts.

Now, it is also incorrect when we suggest there is a deliberate Republican slowdown of the nominations process. The President pointed out on Saturday, correctly I might add, that he has sent up to the Senate nearly 70 nominees to fill vacant seats on the Federal bench, 68 to be exact. By way of comparison, he notes that the Senate has confirmed fewer than 20 of his nominees, suggesting undue Senate delay in the face of an abundance of qualified nominees.

But the picture the President paints is less than complete. Of the 68 judicial nominees submitted to the Judiciary Committee this year, nearly half of them, 30 in all, have been nominated just since July 1 of this year. So, factoring in the Senate's August recess, when we were gone for better than 30 days, the Judiciary Committee has had scarcely 2 months to consider virtually one-half of the President's nominees this year.

Perhaps, then, it is fair to say the delay has been a factor in the face of